

U.S. Department of the Interior

Bureau of Land Management

Preliminary Environmental Assessment

DOI-BLM-NV-L060-2015-0002-EA

October 2016

Kathy Smith Desert Land Entry

White Pine County, Nevada

Kathy Smith

dba

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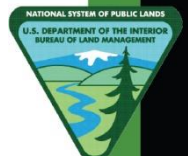


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Chapter 1

1.1 INTRODUCTION

The Bristlecone Field Office of the Bureau of Land Management (BLM) Ely District has prepared this Environmental Assessment (EA) to analyze anticipated impacts of granting Desert Land Entry (DLE) for 86.4 acres which were not included in the original entry decision to the entry person, Kathy Smith, dated March 24, 2010. The public lands being analyzed are located along the foothill benches on the west side of the Schell Creek Range within the Tehama Creek drainage in the Steptoe Valley Watershed. The project area is located in T.22N., R.64 E., Sections 22 and 27; Mt. Diablo Meridian (MDM); White Pine County, Nevada (Map 1).

The purpose of this EA is to evaluate and disclose the direct, indirect and cumulative impacts of the Proposed Action and alternative to the resources present. Should a determination be made that implementation of the chosen alternative would not result in significant environmental impacts, or environmental impacts beyond those already addressed in Ely District Record of Decision and Approved Resource Management Plan (RMP) (2008), as amended, a Finding of No Significant Impact (FONSI) will be prepared to document that determination and a Decision Record issued providing the rationale for approving the chosen alternative. This document is intended to satisfy the requirements of the National Environmental Policy Act (NEPA) in accordance with Council of Environmental Quality (CEQ) guidelines and BLM policy.

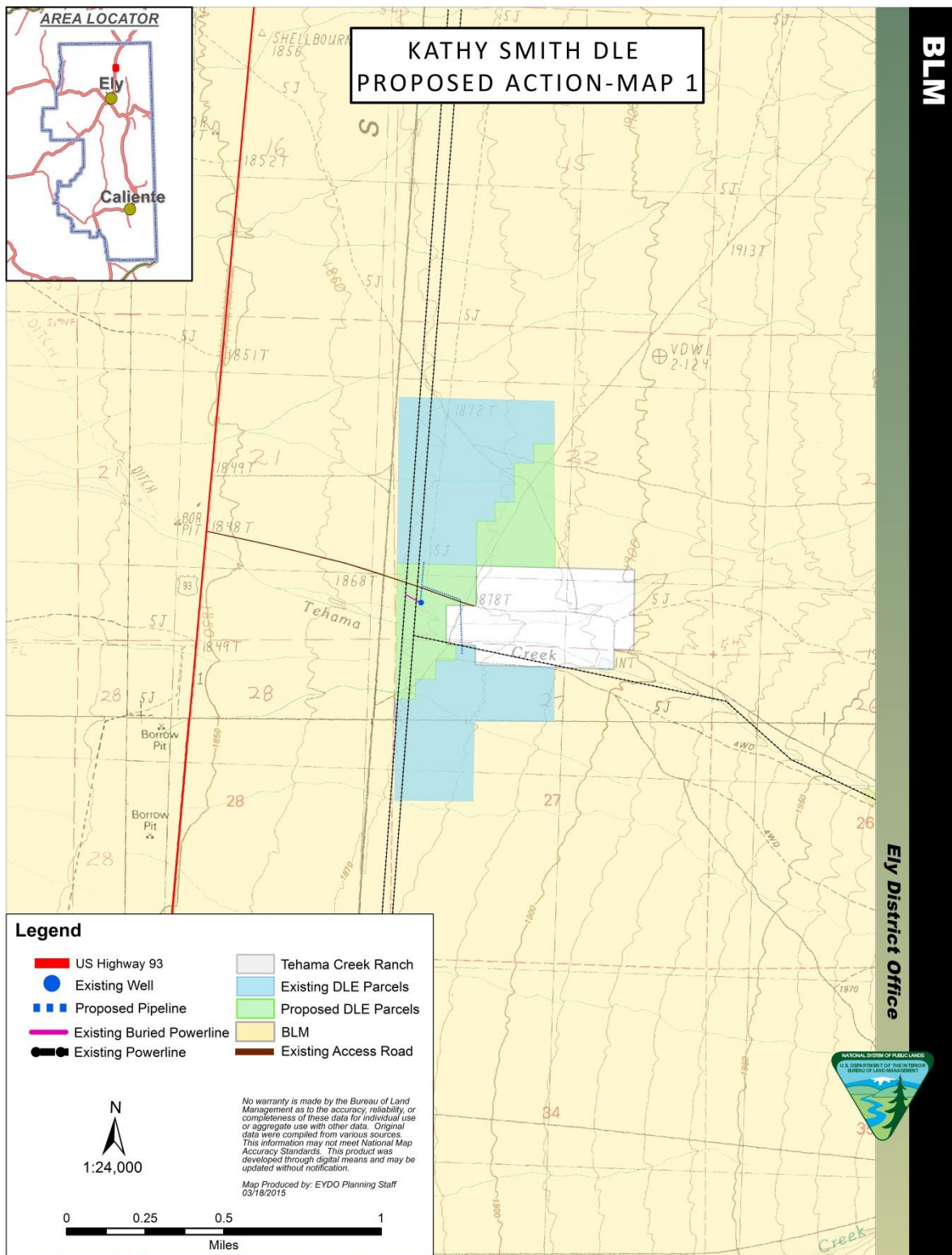
1.2 BACKGROUND INFORMATION

The Desert Land Act of March 3, 1877, amended on March 3, 1891, allows for individuals to apply for up to 320 acres of arid and semi-arid public lands for the purpose of reclaiming for agricultural crop production. The parcels applied for must then be classified through a formal classification decision to determine their suitability for agricultural purposes.

After a DLE application is approved and the lands have been classified as suitable for agriculture, the applicant requests entry from the BLM. The entry request includes a 4-year plan for development of a complete irrigation system and the cultivation of one-eighth of the land. When the agricultural development requirements are met per 43 CFR 2521, the BLM sells the land to the applicant and transfers the title, giving full ownership of the land to the applicant.

On November 5, 1984, a DLE application was submitted by Charlcia B. Rosenlund of the Rosenlund Ranch for a parcel totaling 302.5 acres in Steptoe Valley. The 86.4 acre parcels described in the Proposed Action of this document are part of the 302.5 acre application. In May of 1985 EA #NV-040-5-9 was prepared and a FONSI and Decision Record were signed which classified this 302.5 acre parcel as suitable for agriculture purposes.

Charlcia B. Rosenlund was notified of the final order classifying the land as suitable for agriculture through an Amended Classification Decision dated January 17, 1986 (Appendix A). The next step for Charlcia was to request entry to begin agricultural development of the land. She provided evidence of water rights but did not present an irrigation plan nor did she fulfill any other requirements to request entry at that time. Kathy Smith purchased the Rosenlund Ranch in 2005 and renamed it the Tehama Creek Ranch. On June 25, 2007 Kathy Smith filed a DLE Assignment Claim Application with the BLM for the full 302.5 acres. On November 22, 2010, the BLM granted assignment, transferring the DLE application to Ms. Smith (Appendix B).



Map 1: Proposed Action

After Ms. Smith submitted the DLE Assignment Claim Application, the BLM prepared EA #DOI-BLM-NV-L020-2009-45-EA to analyze the anticipated impacts of approving the DLE application, the subsequent agriculture development under the Desert Land Act, and possible future sale and patent. As part of the assessment process, a cultural resources survey was completed in 2008 and received State Historic Preservation Office (SHPO) concurrence in 2009. As a result of the cultural survey, 86.4 acres were removed analysis and the EA analyzed only 216.1 acres. The reason for the decrease in acres was to exclude segments of the historic Lincoln Highway which crosses the parcel. On March 24, 2010, a Decision Record and FONSI were signed selecting and approving the Proposed Action for the 216.1 acre DLE. On February 28, 2011, Ms. Smith was granted entry onto 216.1 acres to commence agricultural development and meet requirements set in 43 CFR 2521 within four years (Appendix C).

Ms. Smith did not request an amendment to reduce the acres in the DLE application. The BLM did not revoke or modify the classification of “suitable for entry under the Desert Land Act” for the 86.4 acres omitted from the 2010 EA and 2011 Entry Allowed Decision. Therefore, Ms. Smith could still be granted entry to the 86.4 acres

Granting entry to 216.1 acres with the intent of avoiding the 1913 Lincoln Highway resulted in the entry having a configuration of two parcels with limited access and connection between them. The configuration omitted the eastern-most lands, among the more fertile within the original DLE application. The resulting boundary is stair-stepped, causing inefficiency in the agricultural operation and land management complexities to both the private and the public lands. (Map 3). Among the complexities are that the location of the water right point of diversion remained on public land. The DLE application intended for the well to be within the entered lands. To develop the well and portions of the pipelines, Ms. Smith applied for and received a right-of-way grant (ROW), serial number N-92391, and pursued construction starting in the summer of 2014.

Ms. Smith experienced delays in the construction of the irrigation system that were beyond her control. A third year of drought in Nevada took a toll on the availability of well drillers. Her contractor postponed drilling dates. On November 4, 2014, she applied for a 3-year extension of time to make final proof on the DLE (provide evidence of having fulfilled the requirements of the Act and regulations) for the purpose of obtaining title to the land. The decision granting the extension to February 27, 2018, was issued on December 31, 2014. Since the summer of 2015, Ms. Smith completed the installation of the well, started installation of the pipelines, and cleared land in the entered area to prepare for cultivation.

In 2015 the BLM entered into consultation with SHPO to address mitigation measures concerning the Lincoln Highway and received concurrence on the mitigation plan. This allows Ms. Smith and the BLM to move forward with entry and development of the 86.4 acres remaining to be entered on DLE application.

This EA discloses the anticipated environmental consequences of implementing the Proposed Action, or alternative to that action. The BLM Nevada Deputy State Director for Natural Resources, Lands and Planning (DSD) is the Authorized Officer. The DSD’s decision, and the rationale for that decision, will be stated in the Decision Record.

1.3 PURPOSE AND NEED

The purpose of the Federal action is for the BLM to grant DLE to Kathy Smith onto 86.4 acres of public land adjacent to the existing DLE entry granted on March 24, 2010 (discussion in 1.2 above). The Federal action will also improve efficiency of public and private land management.

The need for the action is established by the BLM's responsibility under the Desert Land Entry Act of March 3, 1877, 43 U.S.C. 231, as amended March 3, 1891, (43 CFR 2520) to respond to Ms. Smith's request to be granted entry to the remaining 86.4 acres included in her application. Granting the request will simplify the DLE boundary, improve private and public land management, and place the well and pipelines within the DLE.

1.4 DECISION TO BE MADE

Based on the information provided in this EA the BLM DSD will decide whether or not to grant Ms. Smith entry for agricultural development to the additional 86.4 acres in the DLE application that were excluded from the original EA, and if so, with what stipulations.

1.5 CONFORMANCE WITH LAND USE PLANS

The Ely District Record of Decision and Approved RMP published in August 2008, as amended, addresses land use planning decisions for the subject area. The Proposed Action and alternative is consistent with the Lands and Realty Goals as identified on page 65 of the RMP which are to:

- Consolidate public land patterns to ensure effective administration and improve resource management;
- Make public lands that promote community development available for disposal;
- Meet public, local, state, and federal agency needs for use authorizations such as rights-of-way, permits, leases, and easements while avoiding or minimizing adverse impacts to other resource values.

The Proposed Action and alternative are also in compliance with the Lands and Realty Management Actions as identified for parameters for land disposals on pages 66- 69, specifically the bullets identified under LR-24 (page 69):

- Allow land disposal of parcels containing National Register eligible sites when mitigation and/or data recovery has occurred prior to patent.
- Process existing Desert Land Entry, Carey Act, and Indian Allotment applications. If the application is cancelled, relinquished, or rejected, the lands could not be applied for again. Reject applications for Desert Land Entries, Carey Act, or Indian Allotments in designated disposal areas if they are located within a closed water basin unless existing water rights are held.
- Dispose of lands only in identified areas. Exceptions will be Recreation and Public Purposes Act, Airport Conveyances, existing Desert Land Entries, Carey Act and Indian Allotments, and disposals to resolve trespasses.

The Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) published in September 2015 identified and incorporated appropriate measures in existing land use plans to conserve, enhance, and restore Greater Sage-Grouse (GRSG) habitat. The Proposed Action and alternative is in compliance with the following Management Decision (MD) as identified on page 2-35.

- MD LR 21 (2): Lands classified as Priority Habitat Management Areas (PHMAs) and General Habitat Management Areas (GHMAs) for GRSG will be retained in federal management unless the agency can demonstrate the disposal, including land exchanges, of the lands will have no direct or indirect adverse impact on conservation of the GRSG.

1.6 RELATIONSHIPS TO STATUTES, REGULATIONS or OTHER PLANS

Desert Land Entries and the ensuing agricultural development and eventual sale and patent are allowable on BLM administered land per the Desert Land Act of March 3, 1877, 43 U.S.C. 231 and amended by the Act of March 3, 1891 and BLM regulations (43 CFR 2520), at the discretion of the Secretary of the Interior or his/her delegated officer. The Desert Land Act sets forth the guidelines by which the Kathy Smith DLE may be completed and land transferred to private ownership.

The Proposed Action and alternative analyzed are also in compliance with all applicable laws and policies, including the following:

- Migratory Bird Treaty Act
- Section 106 of the National Historic Preservation Act
- State Protocol Agreement, between BLM and Nevada State Historic Preservation Office, 2014
- White Pine County Land Use Plan, January 2009

1.7 SCOPING AND ISSUES

External scoping was not performed in the preparation of this EA due to the anticipated low potential for controversy as indicated in the 2010 EA. In the 2010 EA, the “BLM determined that the small size and scale of the project did not warrant public scoping meetings. However, resource agencies and Native American Tribes were consulted in preparing [the] document”. Formal consultation with the Lincoln Highway Association was initiated in March 2015. During the spring of 2015, informal consultation with the local chapter of the Lincoln Highway Association identified proposed design features to mitigate impacts to the 1913 Lincoln Highway.

The Proposed Action was presented to the Interdisciplinary (ID) Team on July 7, 2014. Internal scoping raised issues considered or dismissed, having to do with the 1913 Lincoln Highway, livestock grazing, and impacts to wildlife from conversion of sagebrush to alfalfa cropland. The issues analyzed in this EA follow:

- What are the potential impacts to the soil resource from disposal of 86.4 acres and their conversion to agriculture, or from the No Action alternative?
- What are the potential impacts to the vegetative resource from disposal of 86.4 acres and their conversion to agriculture, or from the No Action alternative?
- What are the impacts to migratory birds and other wildlife with the loss of sagebrush habitat to alfalfa cropland, or from the No Action Alternative?
- What are the impacts to special status species (i.e. Greater Sage-Grouse and pygmy rabbit) with the conversion of sagebrush communities to alfalfa cropland?
- What effect does the entry have on authorizations, such as right-of-ways within the lands affected by the Proposed Action, or from the No Action Alternative?
- Would inclusion of an additional 86.4 acres into the DLE have an impact on livestock grazing?

Chapter 2

2.1 INTRODUCTION

The Bristlecone Field Office explored and objectively evaluated all reasonable alternatives that met the underlying need for the Proposed Action. The purpose and need presented in Chapter 1, and their rationale, will form the baseline for developing alternatives. There were no alternative actions identified that addressed unresolved conflicts of fulfilling the request in the application, simplifying boundaries to improve private and public land management, and placing the well and pipelines on the private land. As such, there is one action alternative proposed. The No Action Alternative is provided for baseline comparison of the impacts of the Proposed Action.

2.2 PROPOSED ACTION ALTERNATIVE

The Proposed Action is to grant entry upon 86.4 acres of land included in the DLE application which was already classified as suitable for agriculture, while implementing appropriate mitigation of impacts to the 1913 Lincoln Highway (Map 2). Granting entry to the 86.4 acres and their eventual sale would place the well, pipelines and associated infrastructure on private land. Granting entry to these lands would simplify the boundaries of both the private and the public lands.

If the Proposed Action is selected, the BLM would issue an entry order to the 86.4 acres in White Pine County, Nevada, to entry-person, Kathy Smith. This would complete entry to the 302.5 acre parcel described in the DLE application submitted on November 5, 1984. Ms. Smith would be allowed to make final proof on the land within four (4) years by placing one-eighth, 10.8 acres, into crop production.

Upon being granted entry, as mitigation for an eligible site, the 1913 segment of the Lincoln Highway would be re-routed to attach to the 1930 segment north of the proposed DLE as mitigation (Map 2). Right-of-way N-92391 for the well and pipelines would be relinquished by Ms. Smith, since these developments would be within private land.

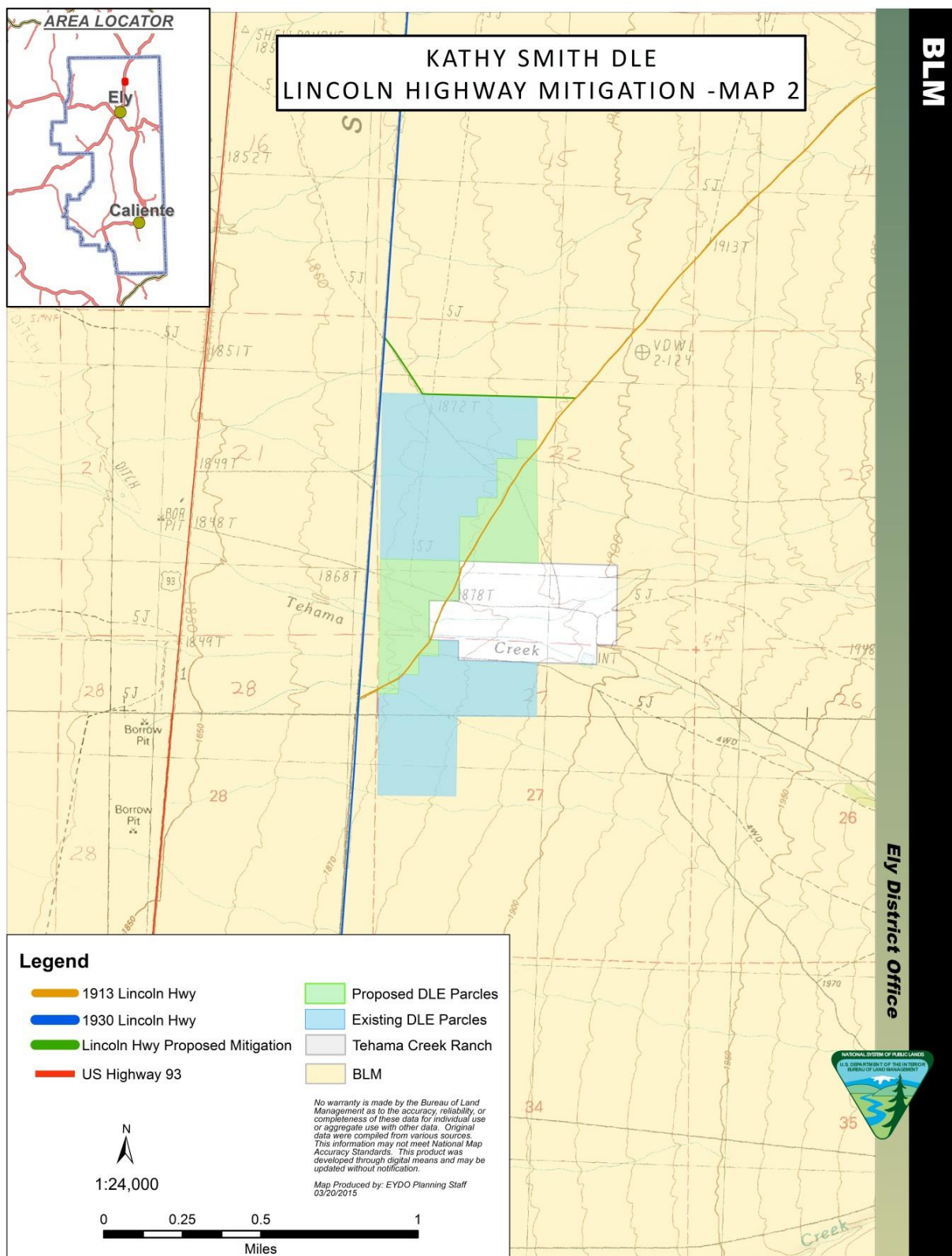
Upon making final proof, Ms. Smith will purchase the land and receive patent from the BLM transferring the land into private ownership.

The 86.4 acres of the Proposed Action are within the 302.5 acres identified in the 1984 DLE application (Map 1):

Mt. Diablo Meridian, Nevada

T. 22 N., R.64 E.,

sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.



Map 2: Lincoln Highway Mitigation

2.3 NO ACTION ALTERNATIVE

The DLE would remain two separate parcels totaling 216.1 acres as designated in the Entry Order issued by the BLM to Kathy Smith on February 28, 2011. The irrigation well and pipelines located on public land would remain authorized under ROW N-92391. Ms. Smith has until February 27, 2018 to make final proof. To complete this process, she would need to install irrigation facilities and produce a crop on one-eighth of the land (27 acres). Upon making final proof, Ms. Smith would be able to purchase the land and receive patent from the BLM.

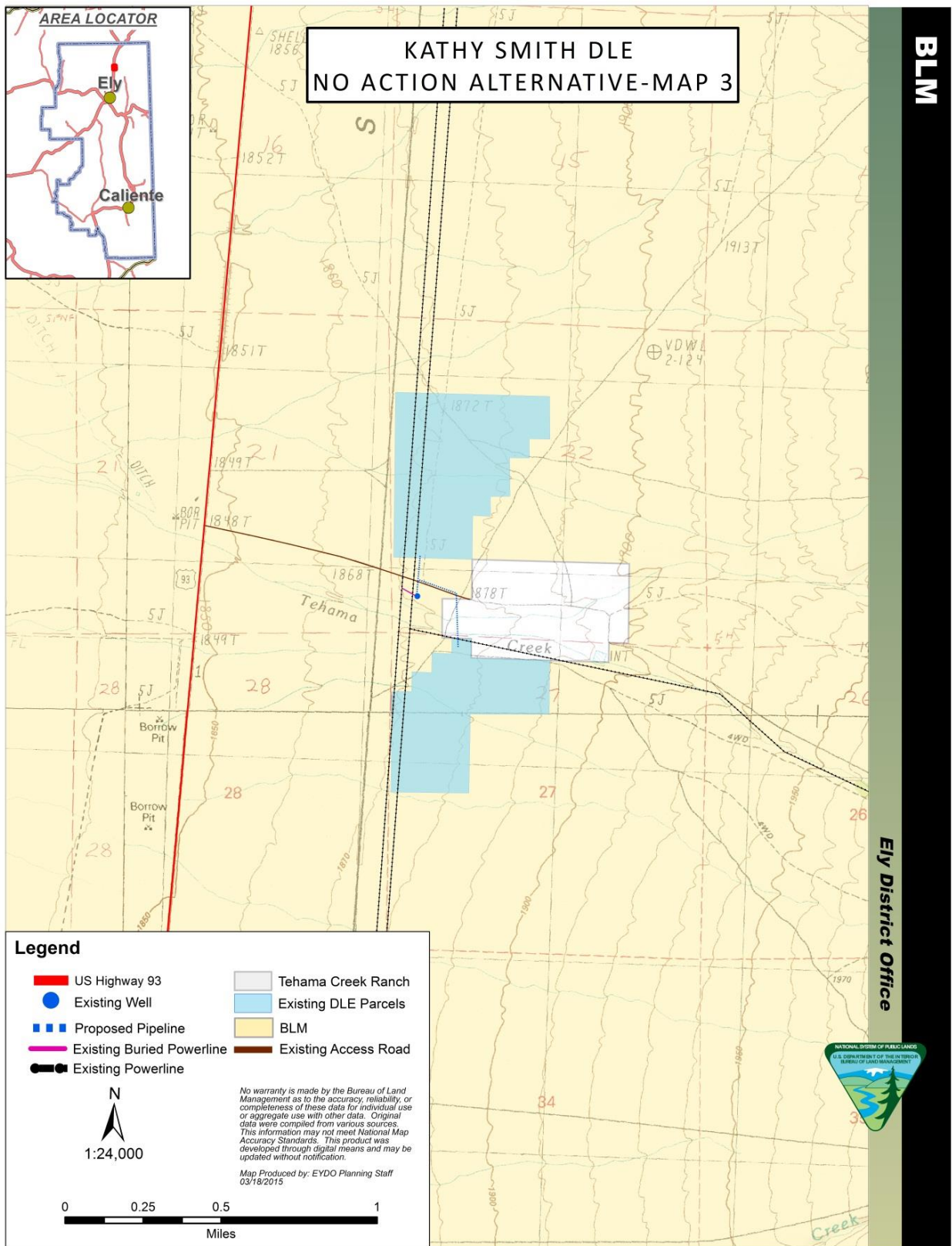
The land management complexities created by the stair-stepped boundary on the east and west sides of the entered land would not be resolved. It does not ensure that access to the 1913 Lincoln Highway will remain unobstructed in the vicinity of the northwest corner of Tehama Creek Ranch where the private land and DLE land connect by a point.

The location of the 216.1 acres for the No Action Alternative is as follows (Map 3):

Mt. Diablo Meridian, Nevada

T. 22 N., R.64 E.,

- sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
- sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.



Map 3: No Action Alternative

2.4 ALTERNATIVE CONSIDERED BUT NOT ANALYZED

An alternative was considered to add only 48.75 acres adjacent to the west side of the existing DLE entry. Ms. Smith would have entry to 264.85 acres out of the 302.5 for which she applied. The 48.75 acres would place the irrigation well and pipelines authorized to Ms. Smith within the land to be patented upon making final proof. However, this alternative truncates access to the Lincoln Highway, a public road, and would require the same re-route mitigation as the Proposed Action. Further, this alternative fails to address the public and private land management problem caused by the stair-stepped boundary and solved by the Proposed Action.

The location of the 48.75 acres includes the parcel of land due west of the Tehama Creek Ranch. It omits the land within the stair-stepped boundary to the east of the entered DLE.

Mt. Diablo Meridian, Nevada

T. 22 N., R.64 E.,

sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$,

N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,

NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,

N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

This alternative was not analyzed because it did not provide un-obstructed access to the 1913 Lincoln Highway nor did it resolve the land management problems caused by the stair-stepped boundary on the east side of the parcel. Also, it does not support the full 302.5 acre DLE application.

Chapter 3

3.1 INTRODUCTION

This chapter will present the current affected environment in general and as specific to the issues identified for the alternatives described in Chapter 2. This chapter will also provide a brief overview of resources considered but dismissed from detailed analysis due to the lack of potential for impacts. It will present the current conditions of potentially impacted resources as a baseline for analysis in Chapter 4.

3.1.1 Affected Environment

3.1.1.1 General Settings

The subject lands are located in the northern end of Steptoe Valley (“north Steptoe Valley” or “the valley”) approximately 22 miles north of McGill, Nevada. Elevations range between 6,100 and 6,200 feet (Map 1). Access to the subject lands is from U.S. Highway 93 via a well-maintained gravel road.

North Steptoe Valley is located between the generally north-south–trending Egan and Cherry Creek ranges on the west and the Schell Creek Range on the east. The center of the valley is approximately 3.3 miles west of the subject lands.

Ely, which is located at the south end of north Steptoe Valley, is the largest town in the area. The town of McGill is located approximately 12 miles north of Ely. Most of the valley is sparsely populated and is dominated by ranching and farming activities. Private lands are mostly developed as pastures or irrigated hay and alfalfa fields. Federal lands surrounding the privately owned lands provide habitat for wildlife and wild horses, and are used mostly for livestock grazing and recreation.

The climate of north Steptoe Valley is characterized as semi-arid and cold. Annual precipitation at the Ely Airport on the lowlands is generally less than 9 inches. Annual precipitation may average as little as 6 inches in the other lowland areas toward the north end of the valley. Precipitation at the higher altitudes in both the Egan and Schell Creek ranges average more than 20 inches and may exceed 30 inches locally. North Steptoe Valley is characterized by a wide range in daily and seasonal temperatures. At McGill, the average annual temperature is 47.4°F. January and July have the lowest and highest average monthly temperatures. The average January temperature is 16.5°F, and the average July temperature is 71.2°F. Daily ranges in temperature commonly are 30° or more. The growing season for this area is about 105 days; however the average growing season varies depending upon the relative topographic location in the valley. The growing season also varies substantially from year to year at a given location.

3.1.1.2 Supplemental Authorities and Other Resources and Uses

Appendix 1 of BLM’s NEPA Handbook (H-1790-1) identifies Supplemental Authorities for resources that are subject to requirements specified by statute or executive order and must be considered in all BLM environmental documents. Further, the RMP identifies resources and uses to be considered for analysis. Table 3.1 presents a list of the resources and uses that must be considered, and whether the BLM interdisciplinary team determined them to be present; the issues identified through scoping, and if the resource is being analyzed for direct, indirect or cumulative effects, as a result of the Proposed Action or No Action Alternative.

Table 3.1 Supplemental Authorities (marked with an “*”) and Other Resources and Uses

Resource	Present Yes/No	Affected Yes/No	Rationale for Dismissal from Analysis or Issue(s) Requiring Detailed Analysis
Air Quality*	Y	N	Any increase in emissions and dust resulting from removal of native vegetation and preparation of the land for agriculture would be temporary and would not cause a material degradation of air quality.
Water Resources (Water Quality Surface/Ground*)	Y	N	Converting the subject lands from native sagebrush communities to an alfalfa cropland would require some form of irrigation. It is unlikely that there would be an impact to groundwater quality as a result of this action, and a detailed analysis is not required.
Soil Resources	Y	Y	Potential impacts to soil resources are presented in Chapter 4 (section 4.2.1.1).
Vegetation Resources (Forest and Rangeland*) (Threatened or Endangered Species*)	Y	Y	Potential impacts to vegetation resources are presented in Chapter 4 (section 4.2.1.2).
Wetlands and Riparian Zones *	N	N	No wetlands or riparian zones have been identified.
Fish and Wildlife (Fish Habitat*) (Migratory Birds*) (Threatened or Endangered Species*)	Y	Y	Potential impacts to fish and wildlife are presented in Chapter 4 (section 4.2.1.3).
Special Status Species	Y	Y	Potential impacts to special status species are presented in Chapter 4 (section 4.2.1.4).
Wild Horses	N	N	The Proposed Action is not within a wild horse herd management area and would not affect wild horses.
Cultural Resources*	Y	N	For discussion of the 1913 Lincoln Highway mitigation see Chapter 4 (section 4.2.1.5).
Native American Religious Concerns*	N	N	BLM has determined that there are no impacts or concerns as a result of complying with National Historic Preservation Act (NHPA) Section 106 notices to tribes, and no tribes have identified any traditional religious or cultural sites of importance located within or adjacent to the proposed project area.
Visual Resources	y	N	Subject parcels fall within VRM Class III. Use of public lands would not change and impacts to visual resources as a result of either the Proposed Action or the No Action Alternative would be insignificant.
Lands and Realty	Y	Y	Potential impacts to lands and realty are presented in Chapter 4 (section 4.2.1.6)

Recreation	y	N	For discussion of recreational access along the Lincoln Highway see Section 4.2.1.5 Cultural Resources.
Livestock Grazing	Y	Y	Potential impacts to livestock grazing is presented in Chapter 4 (section 4.2.1.7)
Watershed	Y	N	The Proposed Action would not affect Steptoe Valley Watershed management units B and C.
Floodplains*	N	N	The Proposed Action is not within a floodplain.
Noxious and Invasive Weeds	N	N	Noxious and Invasive species are not an affected resource and do not need to be analyzed, because no known populations of noxious weeds are currently present within or adjacent to the Project Area, and Invasive (not noxious) species are only present intermittently. Based on the Proposed Action, any direct, indirect or cumulative impacts would not be expected.
Wilderness *	N	N	No designated wilderness would be affected by the Proposed Action.
Wild and Scenic Rivers*	N	N	No designated wild and scenic rivers would be affected by the Proposed Action.
Lands with wilderness characteristics	N	N	Both the original (1979-1980) and updated (2011) inventories found wilderness characteristics lacking within the project area.
Special Designations other than Designated Wilderness	N	N	No Special Designations have been identified.
Wastes, Hazardous or Solid*	N	N	The subject lands have been physically inspected and existing records have been examined in accordance with Section 120(h) of the Superfund Amendments and Reauthorization Act of 1986. No evidence was found to indicate that any hazardous substance was stored for one year or more, or disposed of or released on the property.
Environmental Justice *	N	N	The Proposed Action would not disproportionately affect a minority or low income population.

3.1.1.3 Soil Resources

The subject lands encompass two of the map units identified in the Soil Survey of Western White Pine County:

Map unit 801 – Broland very gravelly loam, 4 to 8 percent slopes

This map unit is found in approximately 68 acres of the north parcel of the subject lands. The depth to seasonal high water table is more than 60 inches and permeability is moderately slow. The hazard of water and wind erosion is slight. The major component of this map unit is Broland very gravelly loam (85 percent) and it has the following contrasting inclusions: Aridic Argixerolls gravelly loam (5 percent),

Tulase silt loam (5 percent), Broyles very fine sandy loam (4 percent), and Aridic Durixerolls gravelly loam (1 percent).

Map Unit 1330 – Yody-Dewar Association

This map unit is found in the remainder of the subject lands. The depth to seasonal high water table is more than 60 inches, and permeability is moderate. The hazard of water and wind erosion is slight. This map unit has the following major components: Yody gravelly sandy loam (55 percent) and Dewar gravelly silt loam (30 percent). The following contrasting inclusions are present: Broland very gravelly loam (5 percent), Durixerollic Calciorthids gravelly loam (4 percent), Kunzler loam (3 percent), and Pyrat gravelly sandy loam (3 percent).

3.1.1.4 Vegetation Resource

There are no forested or riparian areas on the subject lands. Vegetative structure is comprised of late seral shrub cover with little to no herbaceous understory.

Vegetation on the subject lands within Soils Map Unit 801 is predominantly black sagebrush (*Artemisia nova*) with Indian ricegrass (*Achnatherum hymenoides*), Thurber's needlegrass (*Achnatherum thurberianum*), and needle and thread (*Hesperostipa comata*) dispersed throughout.

Vegetation on the subject lands within Soils Map Unit 1330 is predominantly Wyoming big sagebrush (*Artemisia tridentata* ssp. *wyomingensis*) and Douglas' rabbitbrush (*Chrysothamnus viscidiflorus*) with Indian ricegrass (*Achnatherum hymenoides*), needle and thread (*Hesperostipa comata*) and bottlebrush squirreltail (*Elymus elymoides*) dispersed throughout.

3.1.1.5 Fish and Wildlife

No permanent water that could support aquatic species is present in the subject lands. Game animals such as pronghorn, mule deer, and elk forage on the subject lands to some degree. There is mule deer winter range less than a mile to the east. A variety of small mammals such as black-tailed jackrabbits, mountain cottontail, coyotes, and badgers that are found in sagebrush shrubland habitat are likely to be present. Reptiles such as the leopard lizard, sagebrush lizard, western whiptail, and Great Basin rattlesnake are also likely residents.

The subject lands provide nesting and foraging habitat for a variety of migratory birds. Birds normally found in sagebrush shrubland vegetation include common species such as the Brewer's sparrow, sage sparrow, sage thrasher, vesper sparrow, and black-throated sparrow. Raptors that may regularly forage in the area include red-tailed hawks, ferruginous hawks, golden eagles, prairie falcons and northern harriers. Golden eagles and ferruginous hawks are identified as BLM Special Status Species (Section 3.1.1.6).

The Atlas of the Breeding Birds of Nevada (Floyd et al., 2007) was reviewed to assist in the identification of birds that may breed in the subject lands. Two four-square kilometer Atlas Blocks were established northeast of the subject lands. The survey results indicate habitats included on these blocks were more mesic than those of the project area, but the results provide additional information regarding species that may occur in the area. Based on the Atlas of Breeding Birds of Nevada, Table 3.2 lists species that are common in Nevada and have a high probability of breeding in the subject lands.

Migratory birds are those listed in 50 CFR 10.13 and include many native species commonly found in the United States. Migratory birds are protected under the Migratory Bird Treaty Act (MBTA), which makes it unlawful to take, kill, or possess migratory birds.

Table 3.2 Potential breeding birds in subject lands.

Common Name	Scientific Name
Brewer's blackbird	<i>Euphagus cyanocephalus</i>
Brewer's sparrow	<i>Spizella breweri</i>
Common nighthawk	<i>Chordeiles minor</i>
Common raven	<i>Corvus corax</i>
Ferruginous hawk	<i>Buteo regalis</i>
Golden eagle	<i>Aquila chrysaetos</i>
Horned lark	<i>Eremophila alpestris</i>
Lark sparrow	<i>Chondestes grammacus</i>
Long-billed curlew	<i>Numenius americanus</i>
Long-eared owl	<i>Asio otus</i>
Mallard	<i>Anas platyrhynchos</i>
Mourning dove	<i>Zenaida macroura</i>
Northern harrier	<i>Circus cyaneus</i>
Prairie falcon	<i>Falco mexicanus</i>
Sage thrasher	<i>Oreoscoptes montanus</i>
Savannah sparrow	<i>Passerculus sandwichensis</i>
Short-eared owl	<i>Asio flammeus</i>
Western meadowlark	<i>Sturnella neglecta</i>
Willet	<i>Catoptrophorus semipalmatus</i>
Vesper sparrow	<i>Poocetes gramineus</i>

3.1.1.6 Special Status Species

There are no known federally listed or proposed Threatened or Endangered species that use the subject lands.

Greater Sage-Grouse

The Greater Sage-Grouse (GRSG) is a BLM Sensitive Species that has been determined by the U.S. Fish and Wildlife Service to not warrant protection under the Endangered Species Act (September 2015). The ARMPA provides management direction for the BLM to avoid and minimize disturbance in GRSG habitat management areas. The ARMPA includes management actions, GRSG habitat objectives, mitigation requirements, monitoring protocols and adaptive management triggers and responses.

The subject lands are within the Southeastern Nevada Biological Significant Unit (BSU) and are mapped as Priority Habitat Management Area (PHMA); areas that have been identified as having high conservation value to maintaining a GRSG population, which includes breeding, late brood-rearing, and winter concentration areas. The Kathy Smith DLE makes up 0.025% of PHMA in the Southeastern Nevada BSU. There are two active leks, Whiteman Creek and Whiteman Creek South, located 1.4 and 2.4 miles south of the DLE boundary, respectively. In 2014, the two active leks ranged from 2 to 9 strutting males. The North Tehama Creek lek is located 0.6 mile to the east of the subject lands, and was last active in 2003 when it had 7 strutting males. In 2009, the applicant reported that no GRSG have been observed in the existing agricultural fields or surrounding area (Smith 2009); however, according to NDOW GRSG were observed using the agricultural fields at the Tehama Creek Ranch in 2011, prior to construction of the big game exclusionary fence.

A field visit to the DLE on September 25, 2014 revealed the parcel to the west of the private property contains a Mt. Wheeler Power transmission powerline and a single pole distribution powerline, a Nevada Bell telephone pole line and a buried facility, a graveled access road from Hwy 93 to the ranch, the 1930 and 1913 Lincoln Hwy. Hwy 93 runs along the west side and Ms. Smith's private land is on the east side and includes two houses, buildings, structures and an elk fence. The parcel to the north of the private property is farthest from the powerlines, but grasses and forbs are sparse.

Pygmy rabbit

The pygmy rabbit is another Special Status Species that has recently been found not warranted for protection under the ESA (Federal Register/Vol. 75, No. 189/Thursday, September 30, 2010 [DOI-Fish and Wildlife Service 2010). Pygmy rabbit habitat and sign has been documented within the subject lands. Pygmy rabbit occurrence is influenced by habitat suitability as indicated by the presences of tall, dense, big sagebrush stands in combination with deep, sandy, and loose soils for burrows.

Other Special Status Species

Numerous other Special Status Species have the potential to be utilizing the subject lands. The western burrowing owl, loggerhead shrike, Brewer's sparrow, and sage thrasher have the potential to nest in the area. There are no trees suitable for nesting ferruginous hawks or rocky outcrops for nesting golden eagles, although they could forage in the area. Various BLM sensitive bat species would be expected to forage over the subject lands, but no roosting habitat for bats is available. Table 3.3 lists the BLM special status species that may be potentially inhabiting or utilizing the subject lands.

Table 3.3 Special Status Species potentially occurring or utilizing the subject lands.

Common Name	Scientific Name
Birds	
Golden eagle	<i>Aquila chrysaetos</i>
Western burrowing owl	<i>Athene cunicularia hypugaea</i>
Ferruginous hawk	<i>Buteo regalis</i>
Swainson's hawk	<i>Buteo swainsoni</i>
Greater sage-grouse	<i>Centrocercus urophasianus</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>
Sage thrasher	<i>Oreoscoptes montanus</i>
Brewer's sparrow	<i>Spizella breweri</i>
Mammals	
Pygmy rabbit	<i>Brachylagus idahoensis</i>
Pallid bat	<i>Antrozous pallidus</i>
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>
Big brown bat	<i>Eptesicus fuscus</i>
Spotted bat	<i>Euderma maculatum</i>
Western red bat	<i>Lasiurus blossevillei</i>
Hoary bat	<i>Lasiurus cinereus</i>
California myotis	<i>Myotis californicus</i>
Western small-footed myotis	<i>Myotis ciliolabrum</i>
Long-eared myotis	<i>Myotis evotis</i>
Little brown myotis	<i>Myotis lucifugus</i>
Long-legged myotis	<i>Myotis volans</i>
Yuma myotis	<i>Myotis yumanensis</i>
Western pipistrelle	<i>Pipistrellus hesperus</i>
Brazilian free-tailed bat	<i>Tadarida brasiliensis</i>

3.1.1.7 Cultural Resources

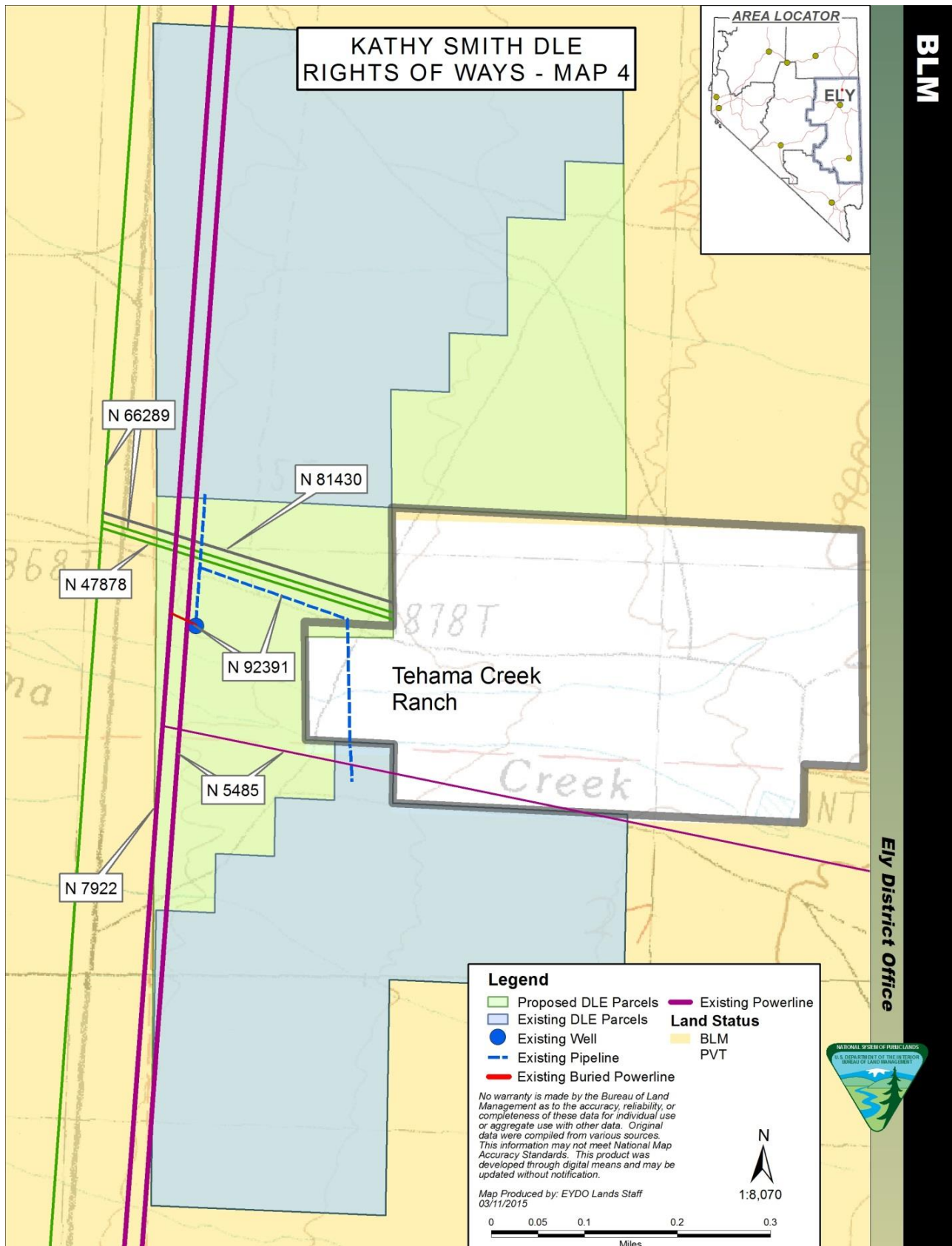
A cultural resources inventory of the Area of Potential Effects (APE) totaling 310-acres which includes the subject lands was completed in 2009. The inventory identified a total of 11 archaeological sites, both historic and prehistoric. One of the archaeological sites consists of two segments of the Historic Lincoln Highway. One segment is the 1913 route and second segment is the 1930 route. Both the 1913 and the 1930 routes have been determined eligible for the National Register of Historic Places. Only the 1913 segment of the Lincoln Highway would be affected by the Proposed Action.

3.1.1.8 Lands and Realty

There are six ROW authorizations within the area of the Proposed Action (Map 4). Of the six, five directly serve the Tehama Creek Ranch or the portion of the DLE to which entry has been granted. Some of the ROWs are co-located with other ROWs, for example, the ROW for the irrigation well and pipelines being situated within portions of the power line and access road ROWs.

Table 3.4 Rights-of-ways authorizations.

Case file Serial Number	Description
N-5485	<u>Mt. Wheeler Power Transmission Line</u> This is a 40' wide ROW that runs slightly SW-NE along the west boundary of the existing and proposed DLE. It has an off-shoot that runs east to other private lands east of the Tehama Creek Ranch.
N-7922	<u>Mt. Wheeler Power Distribution Line</u> This is a 25' wide ROW that runs parallel to N-5485 approximately 100' to the west. Line provides power to Kathy Smith's irrigation well, N-92391.
N-47878	<u>NV Bell Buried Telephone Line</u> This is a 10' wide ROW that runs from the north-south portion of N-66289 along access road N-81430, to provide telephone service to Tehama Creek Ranch.
N-66289	<u>NV Bell Buried Telephone Line</u> N-66289 is primarily a 20' wide ROW that runs north-south, parallel to N-7922 to the west of the DLE. It has an off-shoot from the north-south line going east, along access road N-81430, to the Tehama Creek Ranch.
N-81430	<u>Kathy Smith access road to Tehama Creek Ranch</u> This is a 30' wide ROW for the access road running in a NW-SE direction from US 93 to Ms. Smith's Tehama Creek Ranch gate.
N-92391	<u>Tehama Creek, LLC irrigation well and pipelines for the Kathy Smith DLE</u> This is a 30' wide ROW for the proposed pipelines and 100'x100' ROW for the existing irrigation well.

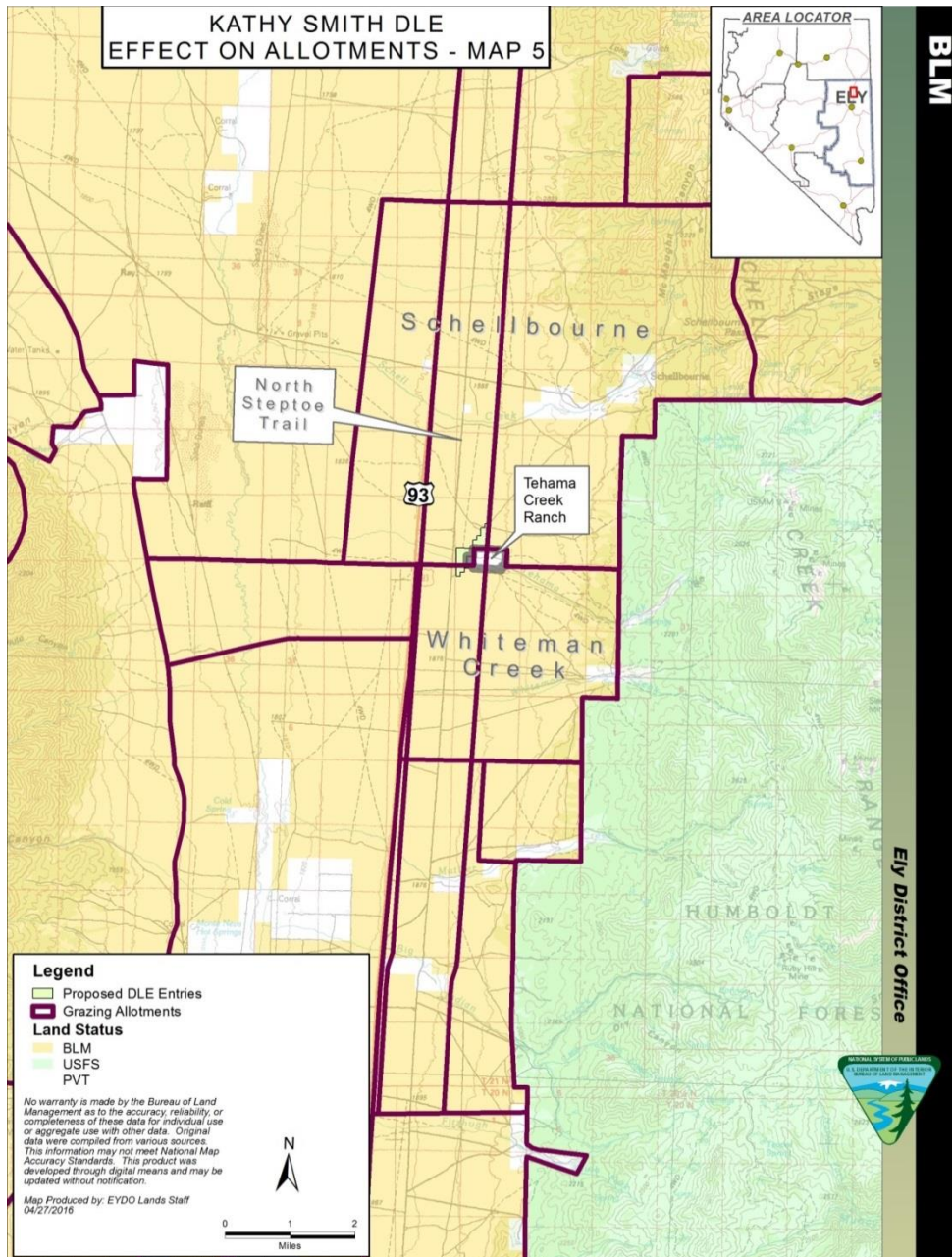


Map 4: Rights of Ways

3.1.1.9 Livestock Grazing

The proposed project area encompasses 75 acres of the Schellbourne Allotment and 11.4 acres of the Whiteman Creek Allotment. The North Steptoe Trail is a mile-wide adjudicated trail that runs north to south up north Steptoe Valley for approximately 60 miles. The trail is bounded on the west by Highway 93 and overlaps the western portions other two allotments (Map 5).

There is an allotment boundary fence that dissects the subject lands forming the boundary between the Whiteman Creek Allotment and the Schellbourne Allotment. This fence intersects the northeast corner of the Tehama Creek Ranch private property boundary fence from the east and continues west from the southwest corner of the Tehama Creek Ranch private property boundary.



Map 5: Effect on Allotments

Chapter 4

4.1 INTRODUCTION

This chapter will present impacts to the resources identified and discussed in Chapter 3. It will describe the direct, indirect and cumulative impacts of the Proposed Action and No Action Alternative upon the affected environment of each resource. Direct impacts are those that are defined by 40 CFR 1508.8(a) as effects “which occur at the same time and place.” Indirect impacts are those that are defined by 40 CFR 1508.8(b) as effects “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” Cumulative impacts are the effects on the environment which result from the incremental impacts of actions in this EA when added to other past, present and reasonably foreseeable actions.

For the purpose of analysis the BLM assumes that if Ms. Smith is granted entry to the proposed lands, she would be successful in cultivating and producing a crop on these lands. This would lead Ms. Smith to make final proof on the DLE and the lands would be patented to her. The assumption for analysis is based on the fact that Ms. Smith has been successfully cultivating and producing a crop on her adjacent private land and development is underway on the land to which she was granted entry in 2011. There are also several other private land owners within the watershed that have been, and continue to be successful, at cultivating and producing crops. The BLM also assumes that the lands would continue in production for the foreseeable future without returning to federal ownership.

4.2 DIRECT AND INDIRECT IMPACT

4.2.1 Proposed Action

The following sections describe the environmental consequences that could result from approval of the DLE application and subsequent agricultural development as described in the Proposed Action in Chapter 2.

4.2.1.1 Soil Resources

Soils would be disturbed as a result of the Proposed Action. An increase in wind erosion of soil is anticipated during the period in which the current vegetative over story is removed, an irrigation system installed, and the cultivated lands are being planted. Once the alfalfa cropland becomes established, resistance to wind erosion would be increased. The overall effect of the Proposed Action on soils when compared to the Steptoe Watershed geospatial scale will be negligible.

4.2.1.2 Vegetation Resources

The Proposed Action would result in 86.4 acres of public lands leaving federal ownership to be developed for agricultural production, and late seral sagebrush communities converted to alfalfa. The effect would last into the foreseeable future. The overall effect of the Proposed Action on vegetative resources when compared to the Steptoe Watershed geospatial scale will be negligible.

4.2.1.3 Fish and Wildlife Resources

The Proposed Action would result in the loss of 86.4 acres of sagebrush habitat that is used by big game, small mammals, reptiles, and nesting passerine species. Numerous animals could be displaced and smaller mammals or reptiles may be killed during land clearing activities for conversion to alfalfa

cropland. There is adjacent sagebrush habitat for displaced animals. Once the land is converted, it will attract some of the displaced wildlife, in addition to new species that prefer agricultural lands.

The Proposed Action would result in the loss of 86.4 acres of sagebrush habitat that is currently used by numerous migratory birds for foraging and nesting. Migratory birds could be disturbed and displaced during conversion of sagebrush shrubland to cropland; however there is adjacent sagebrush habitat for nesting and foraging. If land conversion occurs during the migratory bird nesting season, nests, eggs, and nestlings could be destroyed or killed. Additionally, conversion of the subject lands to agriculture may result in an increase in rodent populations on the agricultural lands, potentially increasing the prey base for raptors foraging in the area.

The MBTA makes it unlawful to take, kill, or possess migratory birds as defined by 16 USC 703-711; therefore nest clearance surveys will be required if agriculture conversion occurs during the migratory bird nesting season, April 1 through July 31. The surveys must be conducted by a qualified biologist no more than 7 days prior to the initial ground disturbance. Consultation with local Ely District wildlife biologist for survey protocols is recommended. Implementation of these surveys will minimize nests, eggs, or nestlings being destroyed or killed.

4.2.1.4 Special Status Species

Greater Sage-Grouse

The Proposed Action would result in the loss of approximately 86.4 acres of GRSG mapped PHMA, which is 0.025% of the PHMA within the Southeastern Nevada BSU. However, within the general area of the DLE there are existing power lines, Highway 93, an eight-foot high wildlife exclusionary fence, as well as, allotment fences providing perches for raptors. Additionally, the proposed DLE parcel west of Ms. Smith's private property has been previously disturbed to install a road, buried power line, well and pipeline. This area is less suitable for GRSG with these anthropogenic structures and disturbances. Increased noises generated from the agriculture conversion and farming practices may cause GRSG to avoid undisturbed adjacent habitat. The Proposed Action would have no direct or indirect adverse impacts to GRSG because the area is not considered suitable habitat.

Due to the intensity of the anthropogenic disturbances discussed above, disposal of these 86.4 acres is not seen as having further direct or indirect adverse impact on the conservation of GRSG. As a result, this DLE is in conformance with MD LR 21(2).

Pygmy rabbit

The Proposed Action would result in a loss of occupied pygmy rabbit habitat due to the conversion of sagebrush shrubland to cropland. Habitat in the subject lands is primarily along ephemeral washes where the soil is friable and additional moisture allows sagebrush to form taller and denser stands. Heavy equipment used for agricultural conversion of pygmy rabbit habitat could result in destroyed burrows and potentially result in mortality.

To prevent the loss of pygmy rabbits within the subject area, the BLM requires potential habitat to be surveyed prior to patent for active habitat and implement measures to ensure the evacuation of active pygmy rabbit burrows. Consultation with the Ely District wildlife biologist is required for survey protocols. While there would be a loss of pygmy rabbit habitat, there appears to be extensive suitable habitat for pygmy rabbits on the lower slopes of the Schell Creek Range outside of the project area.

Other Special Status Species

Other BLM special status species listed in Table 3.3 may be affected primarily by the replacement of approximately 86.4 acres of native sagebrush vegetation to alfalfa cropland. The effect would likely vary depending on the species, but it is unlikely that any of these species would be measurably affected by

the loss of foraging habitat. Some bats species may benefit with the increased insect population from additional agricultural fields.

4.2.1.5 Cultural Resources

A cultural resources inventory for the Area of Potential Effects (APE) of 310-acres surrounding the DLE boundary was completed in 2009. The 1913 segment of the Lincoln Highway, which runs through the APE, was determined eligible for the National Register of Historic Places. The middle portion of this segment is approximately 1,400-feet long and already lies within the Tehama Creek Ranch, the private property adjacent to the public lands. It attaches to the 1930 segment on the south side of the proposed DLE. Private ownership of the 1913 segment was conferred prior to the enactment of the National Historic Preservation Act. Consequently, the road segment moving through private land has been previously affected. The Proposed Action will cause an adverse effect to the remaining approximately 3,250-feet of the 1913 Lincoln Highway segment as it will remove it from public land management (Map 2).

In 2015 the BLM entered into consultation with SHPO to address mitigation measures concerning the Lincoln Highway. It is proposed that the 1913 segment of the Lincoln Highway be re-routed to attach to the 1930 segment north of the proposed DLE as mitigation (Map 2). Beginning at a point on the northeast portion of the APE near the 1913 segment of the Lincoln Highway before entering the APE, the re-route will include moving west from that point along public land for a distance of approximately 2,500 feet, then to intersect with an existing road that moves northwest for approximately 1,115 feet to finally meet with the existing 1930 segment of the Lincoln Highway. Recreational access along the Lincoln Highway, from the 1913 segment to the 1930 segment, would be available as a result of the proposed re-route. The BLM received SHPO concurrence on the mitigation plan on December 14, 2015.

According to the historic treatment plan concurred upon with SHPO, the Ely District cultural resource team will perform the mitigation. The mitigation consists of photo-documenting the current condition of the 1913 segment Lincoln Highway that crosses the DLE parcel for a total distance, including private property and public lands, of approximately one mile and establishing the re-route.

4.2.1.6 Lands and Realty

The developments authorized by the six ROW grants for features traversing or located within the 86.4 acre area of the proposed DLE will all remain in place. The Proposed Action would require administrative work on two of the six ROWs currently in place, as described in Table 4.1.

Table 4.1 Rights-of-ways authorizations within the DLE

Case File Serial Number	Description
N-5485	<u>Mt. Wheeler Power Transmission Line</u>
	If patent is issued to Ms. Smith it would be “subject to” the rights being granted to Mt. Wheeler Power by this ROW authorization.
N-7922	<u>Mt. Wheeler Power Distribution Line</u>
	If patent is issued to Ms. Smith it would be “subject to” the rights being granted to Mt. Wheeler Power by this ROW authorization.
N-47878	<u>NV Bell buried Telephone Line</u>
	This ROW authorizes the buried Telephone Line running along access road N-81430 bringing telephone service to the Tehama Creek Ranch. If patent is issued to Ms. Smith it will be “subject to” the rights granted to Nevada Bell by this ROW authorization.
N-66289	<u>NV Bell buried Telephone Line</u>
	If patent is issued to Ms. Smith it would be “subject to” the rights being granted to Nevada Bell by this ROW authorization.
N-81430	<u>Kathy Smith</u>
	This ROW is issued to Kathy Smith for the access road running from US 93 to the current entrance of the Tehama Creek Ranch. If patent is issued to Ms. Smith, the ROW would be amended to remove that portion of the road within the patented land. A private road within private land does not need to be authorized by the BLM or to be reflected in the patent. The ROW grant would be amended to include only the portion of the road running from the west boundary of the patented land west to US 93.
N-92391	<u>Tehama Creek, LLC</u>
	This ROW is issued to Ms. Smith’s Tehama Creek Ranch. The ROW authorizes the irrigation well and pipelines on public land. If the land is patented to Kathy Smith the ROW would be relinquished by Ms. Smith as the well and pipelines would be located within her private property.

4.2.1.7 Livestock Grazing

Conversion of the subject lands from late seral sagebrush communities to alfalfa cropland would reduce the amount of forage available for cattle on the Schellbourne Allotment and sheep on the Whiteman Creek Allotment and the North Steptoe Trail. However, the existing understory cover of grasses and forbs is sparse, and the reduction of acres would be very small. The proposed transfer of 86.4 acres would remove 75 acres (0.4%) of the Schellbourne Allotment and 11.4 acres (0.2%) of the Whiteman Creek Allotment. The loss of forage that would result from transferring these 86.4 acres to private ownership would be negligible in comparison to the size of the allotments. The transfer of lands would not result in a reduction of AUMs on the current permits.

The North Steptoe Trail is an adjudicated trail that is one mile wide and bounded on the west by Highway 93. The proposed lands for disposal overlap a portion of the North Steptoe Trail. The original 216.1 acres of land have already narrowed the width of the trail in this area from 1 mile to 0.5 mile.

While the trail has been narrowed in this area the function of the trail has been maintained by not segmenting the trail. The Proposed Action represent the loss of 49 acres (0.1%) of the North Steptoe Trail. This would have no additional impact on the function of the trail.

The allotment boundary fence that currently connects to the private property boundary fence would be left in place on federal lands and would connect to any new boundary fence that would be constructed. The integrity and function of the existing range improvement would be maintained and there would be no impacts.

The Proposed Action may improve livestock management by eliminating the current, complex land boundary configuration (Map 3) which might lead to livestock becoming concentrated into small areas surrounded by private land on the three sides. This would reduce the possibility of overutilization of the small areas by livestock.

4.2.2 No Action Alternative

The No Action Alternative would result in no new environmental effects because the subject lands have already been analyzed, entered, and are being developed for agricultural use. The well and pipelines on public land have already been authorized by BLM and constructed by Ms. Smith. This alternative does not satisfy the DLE application in that it does not grant entry to 86.4 acres included in the application. In omitting entry to those acres, a complex, stair-stepped boundary has been created (Map 3). The boundary presents land management challenges to both Ms. Smith and the BLM.

4.2.2.1 Soil Resources

Under the No Action Alternative impacts to soils would be similar to those of the Proposed Action. Ms. Smith would continue to pursue agricultural operations on the 216.1 acres she has entered and is developing instead of a potential 302.5 acres. This would be 86.4 acres less than would result from the Proposed Action.

4.2.2.2 Vegetation Resources

Under the No Action Alternative impacts to vegetation would be similar to those of the Proposed Action. Ms. Smith would continue to pursue agricultural operations on the 216.1 acres she has entered and is developing instead of a potential 302.5 acres. This would be 86.4 acres less than would result from the Proposed Action.

4.2.2.3 Fish and Wildlife

Under the No Action Alternative there would be no impacts to fish and wildlife since the transfer and development of an additional 86.4 acres of land would not occur. The anticipated development of the original 216.1 acres would continue.

4.2.2.4 Special Status Species

Under the No Action Alternative there would be no impacts to special status species since the transfer and development of an additional 86.4 acres of land would not occur. The anticipated development of the original 216.1 acres would continue.

4.2.2.5 Cultural Resources

In a 2009 Cultural Resource Inventory, the only site determined eligible to the NRHP consists of two segments of the Lincoln Highway; one is a segment of the 1913 route and one is a segment of the 1930 route.

The 1913 segment of the Lincoln Highway moves through the existing private property for approximately 1,400 feet and is not currently accessible to the public. Under the No Action Alternative this segment would not be re-routed as a mitigation.

4.2.2.6 Lands and Realty

The No Action Alternative has created boundary problems between private and public land. These include, correct placement of private and grazing fences on a stair-stepped boundary (Map 3); access between the northern DLE parcel under development and Ms. Smith's private ranch; transecting the 1913 Lincoln Highway; inefficiency of the agricultural operation; and complexity of public land management.

The No Action Alternative does not change the structures already authorized and constructed in the vicinity of the DLE lands. The No Action Alternative would not result in any on-the-ground changes to those developments. It would result in the well and pipelines required for Ms. Smith's DLE to remain on public land. This is contrary to the intent of DLE development, which expects water rights, wells and associated structures to be located within the DLE lands. The No Action Alternative will also increase Ms. Smith's need to comply with the BLM on any ground disturbing activity having to do with these structures.

Under the No Action Alternative, when Ms. Smith presents final evidence that the entered lands are adequately developed, and transactions between Ms. Smith and the BLM are completed, the BLM will issue a patent to her. The patent will be subject to the existing ROWs crossing the DLE lands. This patent-issuance work will be the basis to patent the lands included in the Proposed Action. The effect of the No Action Alternative on the administrative work to patent the lands in the Proposed Action is negligible.

4.2.2.7 Livestock Grazing

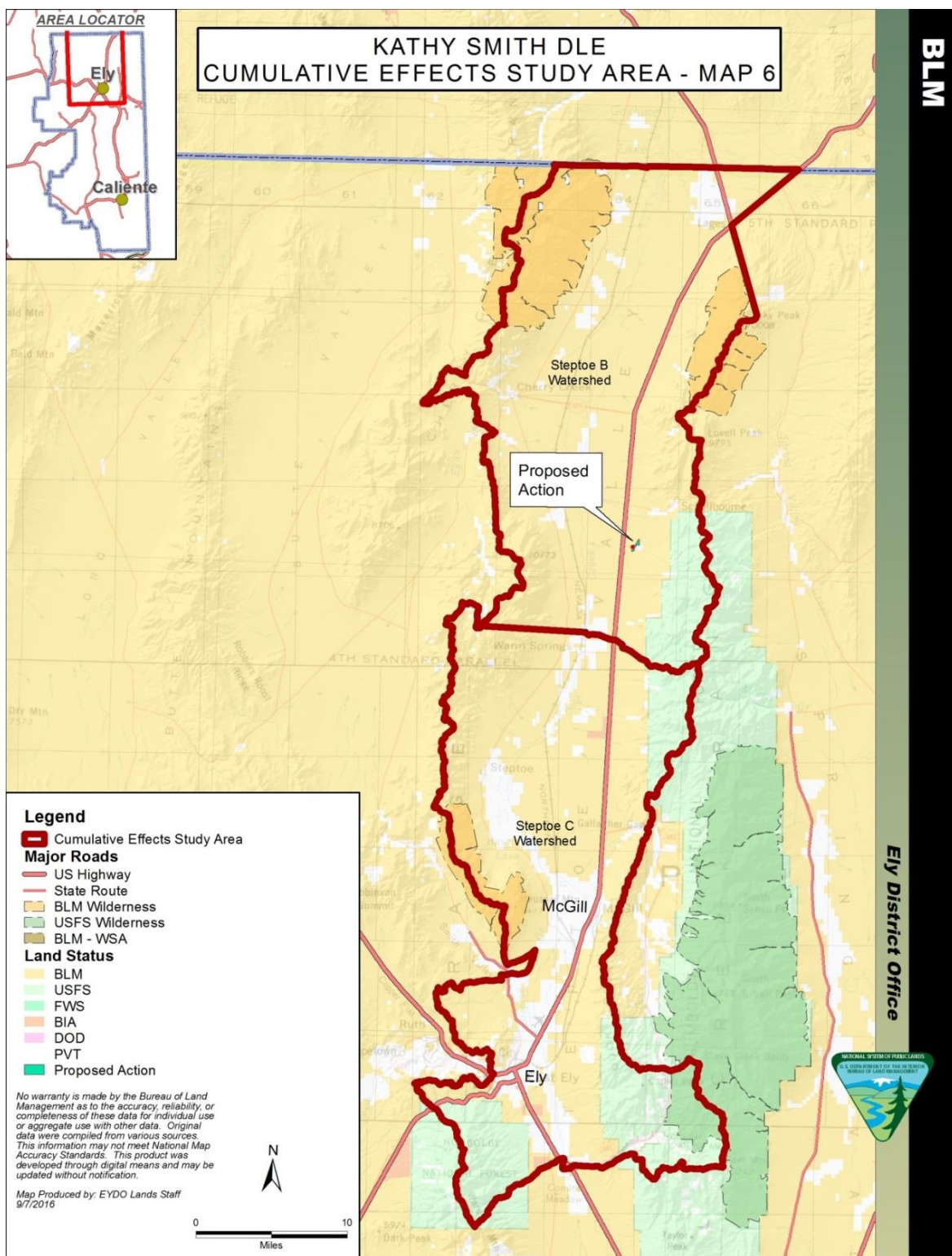
Under the No Action Alternative, the stair-stepped configuration of the boundaries of the areas onto which Ms. Smith has been granted entry may create challenges for livestock grazing management. Livestock might be funneled into the portions of public land that are surrounded on three sides by fenced, private lands. Livestock might spend a disproportionate amount of time in these parcels and over-utilize the area. Proactive livestock herding by the rancher could mitigate for this potential issue.

4.3 CUMULATIVE IMPACTS ANALYSIS

4.3.1 Cumulative Effects Study Area

The cumulative effects study area (CESA) is within north Steptoe Valley. The project location is centered between watershed management units identified as Steptoe B and Steptoe C in the RMP EIS. The CESA encompasses from the Elko County line south to, and including, the City of Ely. A 598,706 acre area, of which 75.08% is public land. The CESA offers the best context for presenting past, present and reasonably foreseeable actions. If the Proposed Action is followed through to completion, an 86.4 acre parcel of public land is privatized, decreasing public land management to 75.06% of the CESA. If it is determined that impacts to any one resource would have direct, indirect or cumulative impacts that

would extend beyond the boundaries of these watershed management units, a more appropriate CESA boundary will be described for that resource.



Map 6: Cumulative Effects Study Area

4.3.2 Past, Present, and Reasonably Foreseeable Future Actions

The CESA has experienced past and present natural processes and authorized uses. The natural processes include wildfire and drought. Authorized uses include livestock grazing and development. The area has been heavily used for livestock grazing. It is a corridor for utilities and for transportation with a paved U.S. Highway running the length of north Steptoe Valley. Local transportation is supported by maintained gravel roads and two-track dirt roads. Large land actions in north Steptoe Valley in the recent past have included the 2007 White Pine County Airport expansion which conveyed 1,544 acres of public land to the County.

Historical land uses including heavy grazing have reduced the understory vegetation in sagebrush communities. This is one of the main reasons GRSG habitat is in poor condition in many places within north Steptoe Valley, like the subject lands. Combined with the effects of the natural processes -fire and drought- the spread of invasive and noxious weeds has been widespread within the CESA, outside the project area. Currently, commercial and residential development is limited and confined mainly to the south end of north Steptoe Valley near the towns of Ely and McGill. The 2015 BLM land sales disposed of 78.02 acres in that vicinity. North of the town sites, development is mostly in the form of power lines, and other structures like fences on grazing allotments and other private land. Ms. Smith's 216.1 acre DLE parcel, to which the proposed action would add 86.4 acres, is already cleared and being developed for agriculture.

The natural processes, grazing, other authorized uses and occasional disposal of public land to private parties within the CESA are expected to continue into the future, following their current trends. The RMP identifies 7,943 acres in north Steptoe Valley available for future land disposals. Disposal of these acres is anticipated to be gradual. Large projects in the foreseeable future include the Southwest Intertie Project, an electrical power transmission line being constructed in the West-Wide Energy Corridor (SWIP corridor) identified in the RMP. The transmission line is to follow the bench on the west side of the valley for a distance of approximately 30 miles.

4.3.3 Cumulative Effects Analysis

4.3.3.1 Proposed Action

The direct and indirect impacts of the Proposed Action, when combined with the effects of past, present and reasonably foreseeable actions, have a negligible effect upon the resources analyzed. The Proposed Action affects a very small portion of the CESA, proposing to reduce public land management in the CESA by .02%.

The Proposed Action project area is within a vicinity of past developments (private lands, ROWs and fences) and present development (land undergoing agricultural development). Due to the minimal acreage of the Proposed Action, its cumulative impact on resources, when combined with past and present developments, would be negligible. Further, the Proposed Action project site is on the east side of north Steptoe Valley, while the reasonably foreseeable future development, the SWIP transmission line, is on the west side of the valley, sufficiently distant that the Proposed Action would not contribute cumulatively to the resource impacts of that development.

Resource specific rationale follows:

4.3.3.1.1 *Soil Resources*

The Proposed Action would reduce public management of land in the CESA by .02% (86.4 acres). No cumulative effects upon soil resources.

4.3.3.1.2 Vegetation Resources

The Proposed Action would change the vegetation in .02% (86.4 acres) of public land in the CESA from sagebrush to alfalfa. The immediate vegetation is already affected from past and present developments. Due to the distance of the Proposed Action to the location of the reasonably foreseeable developments (SWIP), it would not contribute to cumulative impacts upon vegetation resources.

4.3.3.1.3 Fish and Wildlife

Current land uses and trends would be expected to continue to influence fish and wildlife in the same nature as described in Chapter 3. The Proposed Action does not contribute to cumulative effects.

4.3.3.1.4 Special Status Species

The cumulative effect of the Proposed Action is minimal when compared to foreseeable future project SWIP Intertie.

4.3.3.1.5 Cultural Resources

The Proposed Action does not contribute to cumulative effects upon cultural resources..

4.3.3.1.6 Lands and Realty

The Proposed Action simplifies private and public land management by simplifying the ability to identify the boundaries between those lands. Developments already authorized by the BLM will remain in place regardless of changes to land status. The Proposed Action has no cumulative effect on existing developments.

4.3.3.1.7 Livestock Grazing

The Proposed Action may prevent cattle from becoming concentrated in the current stair-stepped land boundary. This is a positive effect to grazing. Otherwise, most of the large land development projects described above (airport land conveyance, SWIP) do not occur within the same grazing allotments as the proposed DLE. The Proposed Action has no cumulative impact to the affected allotments.

4.3.3.2 No Action Alternative

The direct and indirect impacts of the No Action Alternative, when combined with the effects of past, present and reasonably foreseeable future actions, have a negligible effect upon the resources analyzed with the exceptions noted below.

4.3.3.2.1 Lands and Realty

The No Action Alternative would leave a complex boundary between private and public land making management of land uses and land disposals more difficult. It would require private developments (well and pipeline) to remain on public land. The cumulative effect would still be considered small.

4.3.3.2.2 Livestock Grazing

The No Action Alternative would allow cattle to become concentrated in the stair-stepped land boundary. The cumulative effect would be considered small.

Chapter 5

5.1 LIST OF PREPARERS AND SOURCES

5.1.1 Report Preparers

This Environmental Assessment was prepared by an interdisciplinary team that consisted of the following individuals:

- Benjamin Noyes, Wild Horse and Burro Specialist
- Chris McVicars, Natural Resource Specialist-Weeds
- Cody Coombs, Supervisory Natural Resource Specialist-Fuels
- Concetta Brown, Natural Resource Specialist
- Craig Hoover, Rangeland Management Specialist
- Dave McMullen, Recreation Specialist
- Elena Montenegro-Long, Realty Specialist, Project Lead
- Elvis Wall, Native American Coordinator
- Emily Simpson, Wilderness Planner
- Leslie Riley, Archaeologist
- Stephanie Trujillo, Assistant Field Manager, Lands and Minerals
- Nancy Herms, Wildlife Biologist

5.2 PERSONS, GROUPS, and AGENCIES CONSULTED

The following Parties were consulted in the preparation of this Environmental Assessment

- Nevada Department of Wildlife (Wildlife concerns)
- U.S. Fish and Wildlife Service (Listed species) Nevada Natural Heritage Program (Sensitive species database records)
- Nevada State Historic Preservation Office
- Lincoln Highway Association

5.3 TRIBES CONSULTED

In preparation of the EA in 2010 the Ely District Office contacted the three federally recognized tribes (Confederated Tribes of the Goshute Reservation, NV-UT, Duckwater Shoshone Tribe of the Duckwater Reservation, NV and the Ely Shoshone Tribe of Nevada) within the boundaries of the Ely District Office. In compliance with the *National Historic Preservation Act of 1966 (NHPA)*, as amended: Section 106 the Bureau of Land Management (BLM) invited the three tribes to assist the BLM in identifying any traditional religious or cultural sites of importance within or adjacent to the project site. The Tribes had 30 days to respond to the NHPA Section 106, Notice of the Proposed Undertaking, with any concerns regarding direct or indirect impacts, or any proposed mitigation measures to bring forth into the Environmental Assessment. The Tribes did not reply to the within the 30 day timeframe with any concerns.

5.4 REFERENCES

Bureau of Land Management [BLM]. 2008. Ely District Record of Decision and Approved Management Plan. Published August 2008.

The Record of Decision and the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA), published in September 2015.

Department of the Interior. Fish and Wildlife Service. 2010. Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered; Proposed Rule. Federal Register/Vol. 75, No. 55/Tuesday, March 23, 2010

Department of the Interior. Fish and Wildlife Service. 2010. Endangered and Threatened Wildlife and Plants; 12-Month on a Petition to list the Pygmy Rabbit as Endangered or Threatened. Federal Register/Vol. 75, No. 189/September 30, 2010.

Floyd, T., C.S. Elphick, G. Chisolm, K. Mack, R.G. Elston, E.M. Ammon, and J.D. Boone. 2007. Atlas of the breeding birds of Nevada. University of Nevada Press. 579pp.

Smith, Kathy. 2009, 2013 and 2014. Applicant for DLE. Personal communication with BLM staff.

Ely District Integrated Weed Management Plan and Environmental Assessment, July 2010

DOI-BLM-NV-L000-2009-0010-EA

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_037182.pdf for description of Steptoe Valley.

5.5 ACRONYM TABLE

ARMPA Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, published in September 2015

BSU	Biological Significant Unit
CEQ	Council on Environmental Quality
CESA	Cumulative Effects Study Area
CFR	Code of Federal Regulations
DLE	Desert Land Entry
DR	Decision Record
DSD	Deputy State Director
EA	Environmental Assessment
FERC	Federal Energy Regulatory Commission
FONSI	Finding of No Significant Impact
GRSG	Greater Sage Grouse
NEPA	National Environmental Policy Act
RMP	Resource Management Plan
SWIP	Southwest Intertie Project

Appendix A

N-41040
(NV-046)
SA1 NV
85300080

JAN 17 1986

RA
1/16/86
DL
1/16/86

CERTIFIED MAIL # P 065 041 648
RETURN RECEIPT REQUESTED

Mrs. Charlcia B. Rosenlund
Star Route 1, Box 18
Ely, Nevada 89301

Dear Mrs. Rosenlund:

AMENDED CLASSIFICATION DECISION

On July 23, 1985, an Initial Classification decision was issued pursuant to the regulations in Title 43 Code of Federal Regulations 2450.4(b). It involved the public land in Steptoe Valley in your Desert Land entry petition-application N-41040.

This amended decision corrects an error in the legal description of the land classified by the July 23, 1985, decision.

The legal description in the classification decision read:

T. 22 N., R. 64 E., MDM, Nevada
sec. 22, S²NW⁴, N²SW⁴, NW⁴SW⁴SW⁴,
SW⁴SW⁴SW⁴, W²W²SE⁴SW⁴SW⁴
(errors underlined)
sec. 27, W²NW⁴, S²N²NE⁴NW⁴, S²NE⁴NW⁴,

Totalling 302.5 acres.

The legal description in the classification decision should read:

T. 22 N., R. 64 E., MDM, Nevada
sec. 22, S²NW⁴, N²SW⁴, N²SW⁴SW⁴,
SW⁴SW⁴SW⁴, W²W²SE⁴SW⁴SW⁴;
sec. 27, W²NW⁴, S²N²NE⁴NW⁴, S²NE⁴NW⁴;

Totalling 302.5 acres.

This amendment adds the NE⁴SW⁴SW⁴ of said section 22, which should have been included in the prior decision. This added 10 acres of land is hereby classified by Bureau Motion as suitable for entry under the Desert Land Act (19 Stat. 377; 43 U.S.C. 321, as amended), and the Carey Act (28 Stat. 372, 422,; 43 U.S.C. 641-647, as amended).

The determination is based on the following rationale:

1. The land is physically suited to the purpose for which it is classified, 43 CFR 2410.1(a).
2. This classification will provide the maximum benefit to the land while creating a minimum of disturbance to existing users, 43 CFR 2410.1(b).
3. This classification is consistent with state and local government programs, 43 CFR 2410.1(c).
4. No Federal programs will be adversely affected by this classification, 43 CFR 2410.1(d).
5. The agricultural development and the land's subsequent disposal if regulatory requirements are met, will have little significant adverse impact on the environment, will be beneficial to the economy of the area, and will represent the "highest and best use" of the land, 43 CFR 2430.5(a).

Leasable minerals will be reserved to the United States.

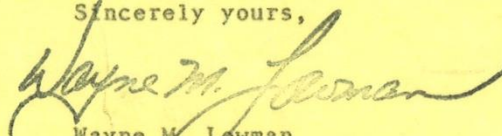
Any AUM reduction required if this Desert Land Act application is allowed will be shared by the existing grazing permittees on the basis of their permitted use.

Allowance of entry on these lands, when and if approved and any future conveyance of the lands will be subject to valid existing rights then of record.

For a period of 30 days after their receipt by the interested parties, the Amended Classification Decision shall be subject to the exercise of the supervisory authority of the Secretary of the Interior for the purpose of administrative review, in accordance with 43 CFR 2450.5(a). If he does not exercise his authority, the decisions shall become the final order of the Secretary.

All comments, objections or protests to the decisions should be sent to the Secretary of the Interior, LLM 320, Interior Building, Washington D.C. 20240. They must be sent within 30 days of your receipt of the decisions; however, they should be sent as early as possible to ensure enough time for their full review.

Sincerely yours,



Wayne M. Lowman
Acting District Manager

RESjogren:cg

Appendix B



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Schell Field Office
HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html



In Reply Refer To:
2520 (NVL0200)
N-41040

DO 11/20/10
NOV 22 2010
BL

CERTIFIED MAIL NO. 7010 0780 0000 5766 8630- RETURN RECEIPT REQUESTED

DECISION

Assignee: Kathy R. Smith :
: Desert Land Entry
Assignor: Charlcia Rosenlund :

ASSIGNMENT APPROVED

On November 8, 1984, the above entry man (assignor) was allowed a desert land entry, N-41040, on the following lands:

T. 22 N., R. 64 E., Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$. 80
Sec. 27, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$. 80
10 20 2.5 80

302.5
acres

On June 20, 2005, Charlcia Rosenlund under Grant, Bargain and Sale Deed, conveyed her ranch located in Steptoe Valley, approximately 27 miles north of McGill, Nevada to you. She also conveyed water rights, Application Numbers 49505 and 49506, which accompany the Desert Land entry application N-41040.

On June 25, 2005, the Bureau of Land Management (BLM) received an application from you requesting assignment of a Desert Land Entry (DLE) from Charlcia Rosenlund, casefile N-41040.

On July 9, 2007 an assignment fee of \$10.00 was received from you by the BLM.

The legal description accurately describes the land applied for and the land analyzed in the environmental assessment and mineral report.

The Secretary, Department of the Interior, has set out certain criteria which are now applicable to each entry man. As the assignee is now the entry man of record, these criteria are applicable to her. The entry must be reclaimed for her own benefit; the entry may not be assigned to a corporation; the entry man may not, before receiving patent, enter into any arrangement to transfer title to the land after patent is issued; the entry man may not enter into any arrangement which has the effect of permitting anyone to hold more than 320 acres of desert entry land; and the entry man must expend

his own money on the necessary irrigation, reclamation and cultivation of the entry or incur a personal liability for any money so expended.

This assignment is hereby approved and the records of this office are noted to show that the assignee is the entry man for the lands assigned under the above identified desert land entry.

If you have any questions, please contact Brenda Linnell at (775) 289-1808 or e-mail to Brenda_Linnell@nv.blm.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mary D'Aversa", followed by the word "for" in a smaller, cursive script.

Mary D'Aversa
Field Manager
Schell Field Office

NVL0200,Blinnell,11/8/10,DLE Assigned to Kathy Smith

Appendix C



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Nevada State Office
P.O. Box 12000 (1340 Financial Blvd.)
Reno, Nevada 89520-0006
<http://www.blm.gov/nv/st/en.html>



ebalarah 2/28/11

In Reply Refer To:
2520(NV933)
N-41040

FEB 28 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - 7010 1670 0001 7581 7126

DECISION

Kathy R. Smith	:	
HC 33 Box 33620	:	Desert Land Entry
Ely, Nevada 89301	:	

ENTRY ALLOWED

Your desert land entry, N-41040, is hereby allowed subject to valid existing rights and compliance with the requirements of the Desert Land Act and applicable regulations. The lands in your entry are:

Mount Diablo Meridian, Nevada

T. 22 N., R. 64 E.,
sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 27, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 215 acres, more or less.

The above legal description accurately describes the land applied for and the land analyzed in the environmental assessment and mineral report.

Prior to entering the lands for fencing and/or cultivation purposes:

Record Posted	Date	By
MT Plat	3/10/11	MS
OG Plat		
USE Plat		
HI Plat		
C/DI Filing		

1. You must, within one year from this date, obtain from the Nevada State Engineer a permit to appropriate sufficient water to irrigate the irrigable portion of the entry. This one-year period is to be counted as part of the four years allotted by the Desert Land Act to complete the requirements for patent. You must submit a copy of your approved water permit to the Bureau of Land Management (BLM)-Ely District Office Manager prior to entering onto the lands to drill any wells.
2. You must drill and flow test the well(s) to prove to the BLM-Ely District Manager that sufficient water is available to irrigate the irrigable portion of the entry prior to beginning clearing for cultivation.

This entry is allowed subject to the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945); and
2. All the oil, gas, geothermal, sodium, and potassium mineral deposits in the public land described above, pursuant to the Act of October 21, 1976 (43 U.S.C. 1716), and to it, its permittees, licensees, and lessees, the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and such regulations as the Secretary of the Interior may prescribe.

This reservation includes all necessary access and exit rights and the right to conduct all necessary and incidental activities including, without limitation, all drilling operations, storage and transportation facilities deemed reasonably necessary.

Unless otherwise provided by separate agreement with the surface owner, permittees, licensees and lessees of the United States shall reclaim disturbed areas to the extent prescribed by regulations issued by the Secretary of the Interior.

All causes of action brought to enforce the rights of the surface owner under the regulations above referred to shall be instituted against permittees, licensees and lessees of the United States; and the United States shall not be liable for the acts or omissions of its permittees, licensees and lessees.

And also subject to:

1. Valid existing rights; and

2. Rights-of-Way N-07922 and N-05485 for power transmission line purposes granted to Mt. Wheeler Power Inc., its successors or assigns, pursuant to the Act of March 4, 1911 (43 U.S.C. 961).

151 Raul Morales

Raul Morales
Deputy State Director
Natural Resources, Lands, and Planning

cc:
State of Nevada
Dept. of Conservation and Natural Resources
Div. of Water Resources
901 S. Stewart St., Ste 202
Carson City, NV 89701

District Office manager, LLNVE0000